

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC**

In the Matter of:

Request for Review and Waiver	)	
of the Decision of the		
Universal Service Administrator by	)	
	)	
Charleston County School District	)	CC Docket No: 02-6
Billed Entity Number: 127168	)	
	)	
Schools and Libraries Universal Service		
Support Mechanism	)	
	)	
Wireline Competition Bureau	)	

**REQUEST FOR REVIEW AND WAIVER  
APRIL 18,2007**

**INTRODUCTION**

Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (USAC) may seek review from the Commission.<sup>1</sup> Charleston County School District (Charleston) hereby appeals the current action taken by USAC in the following case.

**BACKGROUND**

On February 14, 2006, Charleston filed funding requests for Basic Maintenance of Internal Connections. Six funding requests referenced Form 470 Application Number 177880000544848, filed by South Carolina Division of the Chief Information Officer in Columbia, South Carolina (South Carolina CIO), Billed Entity Number 145704. The state consortium intended for the Form 470 to cover Internal Connections and Basic Maintenance of Internal Connections. The consortium posted the Form 470 information on its website and informed its members the Form 470 could be referenced for both Internal Connections and Basic

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<sup>1</sup> 47 C.F.R. § 54.719(c).

Maintenance. This Form 470 was used by multiple school districts to apply for Basic Maintenance requests. On April 3, 2007, the SLD denied one funding request (Form 471 Application Number 494060, Funding Request Number 1424308) filed by Charleston for Basic Maintenance because, “The 470 cited did not include BASIC MAINTENANCE of IC services; therefore it does not meet the 28 day competitive bidding requirement.”<sup>2</sup>

## **DISCUSSION**

Form 470 Application Number 177880000544848 was posted by South Carolina Division of the CIO<sup>3</sup> on September 29, 2005. Contract number 06-S6983-A11985 was awarded on November 14, 2005 to Alphanumeric Systems, Inc.<sup>4</sup> This contract was awarded as the result a fair and open competitive bidding process that, met the 28-day competitive bidding requirement, among other pertinent requirements related to the selection of a service provider.<sup>5</sup> After the contract was awarded, Charleston elected to seek E-rate discounts to support the purchase of eligible services covered under the terms of the contract.

Charleston respectfully requests the Commission to waive the requirement that Basic Maintenance for Internal Connections must be marked on the referenced Form 470. The District did not prepare this Form 470 and intended no fraud, waste or abuse on the program by referencing the Form 470. We believe that in this case, the failure of the South Carolina CIO to select the Basic Maintenance of Internal Connections box on the Form 470 is an error of omission.

This *de minimis* error notwithstanding, Charleston has maintained compliance with program requirements related to this funding request. Granting this request will be in the public interest by ensuring that Charleston County School District receives E-rate support for which it is eligible.

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<sup>2</sup> The other funding requests submitted by Charleston featuring this Form 470 Application Number are at a discount percentage which falls below the discount threshold for Funding Year 2006 Priority Two requests.

<sup>3</sup> South Carolina Division of CIO, Billed Entity Number 145704

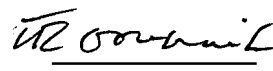
<sup>4</sup> Alphanumeric Systems, Inc, **SPIN** 143004708

<sup>5</sup> 47 C.F.R. § 54.504(b)(4);

**SUMMARY**

Charleston respectfully requests the FCC to waive the required Description of Services in the above matter and remand the case to USAC to approve the request for funding at issue.

Respectfully Submitted,

 4/18/2007

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